

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 19, 2006

AMENDED IN SENATE MAY 9, 2006

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE MARCH 28, 2006

AMENDED IN SENATE MARCH 21, 2006

AMENDED IN SENATE MARCH 14, 2006

AMENDED IN SENATE FEBRUARY 27, 2006

## **SENATE BILL**

**No. 1206**

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**Introduced by Senator Kehoe  
(Coauthors: Senators Dunn and Machado)**

January 26, 2006

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An act to amend Sections 33030, ~~33031~~, 33320.1, ~~33333-6~~, 33352, 33367, 33378, 33445, 33485, 33486, 33500, and 33501 of, and to add Sections 33501.1, 33501.2, 33501.3, and 33501.7 to, the Health and Safety Code, relating to redevelopment.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1206, as amended, Kehoe. Redevelopment.

(1) The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight in those communities and defines a blighted area as one that is predominantly urbanized and characterized by specified conditions.

This bill would revise the definition of “predominantly urbanized” ~~and revise the conditions that characterize a blighted area. The bill, and~~ would prohibit the inclusion of nonblighted parcels in a redevelopment project area for the purpose of obtaining property tax revenue from the area without substantial justification for their inclusion.

~~(2) Existing law specifies certain limitations that apply to every redevelopment plan adopted on or before December 31, 1993.~~

~~This bill would specify that the time limit on the establishing of loans, advances, and indebtedness shall not exceed 20 years from the adoption of the redevelopment plan or January 1, 2009, whichever is later, and that the time limit may be extended by amending the redevelopment plan after the redevelopment agency finds, based on substantial evidence, that significant blight remains within the project and that the blight cannot be eliminated without the establishment of additional debt.~~

~~(3)~~

(2) Existing law requires that every redevelopment plan submitted by a redevelopment agency to the legislative body of the local agency contain a report with specified information, including a description of the physical and economic conditions that cause the project area to be blighted.

This bill would require that the description contain specific, quantifiable evidence that documents specified physical and economic conditions in the project area.

~~(4)~~

(3) Existing law specifies the contents of the ordinance adopting a redevelopment plan, including the findings and determinations of the legislative body about the blighted area that is to be redeveloped.

~~This bill would state that~~ *require* the findings ~~shall to~~ be based on ~~clear and convincing~~ *clearly articulated and documented* evidence, and would add an additional finding and determination that the implementation of the redevelopment plan will improve the physical and economic conditions of blight in the project area.

~~(5)~~

(4) Existing law makes an ordinance that adopts, modifies, or amends a redevelopment plan subject to referendum and requires the referendum petitions circulated in cities and counties over 500,000 population be submitted to the clerk of the legislative body within 90 days of the adoption of the ordinance subject to referendum.

This bill would, notwithstanding any other provision of law, make this 90-day requirement applicable to all cities and counties.

(6)

(5) Existing law prohibits a redevelopment agency from using tax increment funds for the construction or rehabilitation of a city hall or county administration building.

This bill would include land acquisition, related site clearance, and design costs in the prohibition against using tax increment funds for the construction of a city hall or county administration building.

(7)

(6) Existing law authorizes a redevelopment agency to merge project areas under its jurisdiction without regard to contiguity of the areas.

This bill would require the legislative body of the redevelopment agency that intends such a merger to find, based on substantial evidence, that significant blight remains within one of the project areas and that the blight cannot be eliminated without the merger.

(8)

(7) Existing law authorizes the bringing of a civil action to determine the validity of proceedings taken by a legislative body related to the establishment of a redevelopment agency and specified actions taken by a redevelopment agency and makes the Department of Finance an interested person in action brought with regard to the validity of an ordinance adopting a redevelopment plan.

This bill would ~~not~~ permit the civil action to be commenced within 90 days from the date of the decision of the legislative body or redevelopment agency and would also make the Attorney General an interested person in a civil action brought to determine the validity of these matters. The bill would authorize the Attorney General to intervene as of right in these civil actions.

The bill would prohibit an action from being brought against a redevelopment agency or legislative body unless the grounds for noncompliance with the Community Redevelopment Law are presented to the agency or legislative body orally or in writing before the close of the required public hearing.

The bill would require any party filing a pleading or brief in an action challenging the validity of a finding and determination that the project area is blighted to serve a copy of the pleading or brief on the Attorney General and would prohibit a court from granting relief to a

party unless proof is filed with the court that the party has complied with this requirement.

The bill would prohibit a redevelopment agency or legislative body from permitting or requiring a property owner or real party in interest to indemnify the agency or legislative body against these civil actions as a condition of adopting or amending a redevelopment plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 33030 of the Health and Safety Code is  
2 amended to read:

3 33030. (a) It is found and declared that there exist in many  
4 communities blighted areas that constitute physical and economic  
5 liabilities, requiring redevelopment in the interest of the health,  
6 safety, and general welfare of the people of these communities  
7 and of the state.

8 (b) A blighted area is one that contains both of the following:

9 (1) An area that is predominantly urbanized, as that term is  
10 defined in Section 33320.1, and is an area in which the  
11 combination of conditions set forth in Section 33031 is so  
12 prevalent and so substantial that it causes a reduction of, or lack  
13 of, proper utilization of the area to such an extent that it  
14 constitutes a serious physical and economic burden on the  
15 community that cannot reasonably be expected to be reversed or  
16 alleviated by private enterprise or governmental action, or both,  
17 without redevelopment.

18 (2) An area that is characterized by one or more conditions set  
19 forth in any paragraph of subdivision (a) of Section 33031 and  
20 one or more conditions set forth in any paragraph of subdivision  
21 (b) of Section 33031.

22 (c) A blighted area that contains the conditions described in  
23 subdivision (b) may also be characterized by the existence of  
24 inadequate public improvements or inadequate water or sewer  
25 utilities.

26 ~~SEC. 2. Section 33031 of the Health and Safety Code is~~  
27 ~~amended to read:~~

28 ~~33031. (a) This subdivision describes physical conditions~~  
29 ~~that cause blight:~~

1     ~~(1) Buildings in which it is unsafe or unhealthy for persons to~~  
2     ~~live or work. These conditions can be caused by serious building~~  
3     ~~code violations, serious dilapidation and deterioration caused by~~  
4     ~~long-term neglect, seriously defective design, construction that is~~  
5     ~~vulnerable to serious damage from seismic or geologic hazards,~~  
6     ~~and faulty or inadequate water or sewer utilities.~~

7     ~~(2) Factors that prevent or substantially hinder the~~  
8     ~~economically viable use or capacity of buildings or lots. This~~  
9     ~~condition can be caused by buildings of substandard design or~~  
10    ~~lots of inadequate size, given present general plan and zoning~~  
11    ~~standards and present market conditions.~~

12    ~~(3) Adjacent or nearby incompatible land uses that prevent the~~  
13    ~~economic development of those parcels or other portions of the~~  
14    ~~project area.~~

15    ~~(4) The existence of subdivided lots that are in multiple~~  
16    ~~ownership and whose economic development has been impaired~~  
17    ~~by their irregular shapes and inadequate sizes, given present~~  
18    ~~general plan and zoning standards and present market conditions.~~

19    ~~(b) This subdivision describes economic conditions that cause~~  
20    ~~blight:~~

21    ~~(1) Depreciated or stagnant property values or impaired~~  
22    ~~investments, including properties containing hazardous wastes~~  
23    ~~that require the use of agency authority as specified in Article~~  
24    ~~12.5 (commencing with Section 33459).~~

25    ~~(2) Abnormally high business vacancies, abnormally low lease~~  
26    ~~rates, or an abnormally high number of abandoned buildings.~~

27    ~~(3) An acute lack of necessary commercial facilities that are~~  
28    ~~normally found in neighborhoods, including grocery stores, drug~~  
29    ~~stores, and banks and other lending institutions.~~

30    ~~(4) Serious residential overcrowding that has resulted in~~  
31    ~~significant public health or safety problems. As used in this~~  
32    ~~paragraph, “overcrowding” means exceeding the standard~~  
33    ~~referenced in Section 32 of Article 5 of Chapter 1 of Title 25 of~~  
34    ~~the California Code of Regulations.~~

35    ~~(5) An excess of bars, liquor stores, or adult-oriented~~  
36    ~~businesses that has resulted in significant public health or safety~~  
37    ~~problems.~~

38    ~~(6) A very high crime rate that constitutes a serious threat to~~  
39    ~~the public safety and welfare. As used in this paragraph, “crime”~~  
40    ~~means the crimes measured by either the California Crime Index~~

~~prepared by the Department of Justice, pursuant to Sections 13010 and 13012 of the Penal Code, or the Uniform Crime Reporting Program operated by the Federal Bureau of Investigation.~~

~~SEC. 3.~~

SEC. 2. Section 33320.1 of the Health and Safety Code is amended to read:

33320.1. (a) “Project area” means, except as provided in Section 33320.2, 33320.3, 33320.4, or 33492.3, a predominantly urbanized area of a community that is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part, and that is selected by the planning commission pursuant to Section 33322.

(b) As used in this section, “predominantly urbanized” means that not less than 80 percent of the land in the project area is either of the following:

(1) Developed for urban uses.

(2) An integral part of one or more areas developed for urban uses that are surrounded or substantially surrounded by parcels that have been or are developed for urban uses. Parcels separated by only an improved right-of-way shall be deemed adjacent for the purpose of this subdivision. Parcels that are not blighted shall not be included in the project area for the purpose of obtaining the allocation of taxes from the area pursuant to Section 33670 without other substantial justification for their inclusion.

(c) For the purposes of this section, a parcel of property as shown on the official maps of the county assessor is developed for urban uses if that parcel meets any of the following conditions:

(1) Is presently developed for urban uses consistent with present general plan and zoning standards.

(2) Is presently developed for urban uses as a legal, nonconforming use.

(3) Had been developed for urban uses consistent with the then applicable general plan and zoning standards.

(d) The requirement that a project be predominantly urbanized shall apply only to a project area for which a final redevelopment plan is adopted on or after January 1, 1984, or to an area that is added to a project area by an amendment to a redevelopment plan, which amendment is adopted on or after January 1, 1984.

1     ~~SEC. 4. Section 33333.6 of the Health and Safety Code is~~  
2     ~~amended to read:~~

3     ~~33333.6. The limitations of this section shall apply to every~~  
4     ~~redevelopment plan adopted on or before December 31, 1993.~~

5     ~~(a) (1) The time limit on the establishing of loans, advances,~~  
6     ~~and indebtedness adopted pursuant to paragraph (2) of~~  
7     ~~subdivision (a) of Section 33333.2 or paragraph (2) of~~  
8     ~~subdivision (a) of Section 33333.4, shall not exceed 20 years~~  
9     ~~from the adoption of the redevelopment plan or January 1, 2009;~~  
10    ~~whichever is later. This limit, however, shall not prevent~~  
11    ~~agencies from incurring debt to be paid from the Low and~~  
12    ~~Moderate Income Housing Fund or establishing more debt in~~  
13    ~~order to fulfill the agency's housing obligations under Section~~  
14    ~~33413. This limit shall not prevent agencies from refinancing,~~  
15    ~~refunding, or restructuring indebtedness after the time limits if~~  
16    ~~the indebtedness is not increased and the time during which the~~  
17    ~~indebtedness is to be repaid does not exceed the date on which~~  
18    ~~the indebtedness would have been paid.~~

19    ~~(2) The time limit established by this subdivision may be~~  
20    ~~extended, only by amendment of the redevelopment plan, after~~  
21    ~~the agency finds, based on substantial evidence that: (A)~~  
22    ~~significant blight remains within the project area, and (B) this~~  
23    ~~blight cannot be eliminated without the establishment of~~  
24    ~~additional debt. However, this amended time limitation may not~~  
25    ~~exceed 10 years from the time limit established pursuant to this~~  
26    ~~subdivision or the time limit on the effectiveness of the plan~~  
27    ~~established pursuant to subdivision (b), whichever is earlier.~~

28    ~~(b) The effectiveness of every redevelopment plan to which~~  
29    ~~this section applies shall terminate at a date that shall not exceed~~  
30    ~~40 years from the adoption of the redevelopment plan or January~~  
31    ~~1, 2009, whichever is later. After the time limit on the~~  
32    ~~effectiveness of the redevelopment plan, the agency shall have no~~  
33    ~~authority to act pursuant to the redevelopment plan except to pay~~  
34    ~~previously incurred indebtedness, to comply with Section~~  
35    ~~33333.8 and to enforce existing covenants, contracts, or other~~  
36    ~~obligations.~~

37    ~~(c) Except as provided in subdivisions (g) and (h), a~~  
38    ~~redevelopment agency may not pay indebtedness or receive~~  
39    ~~property taxes pursuant to Section 33670 after 10 years from the~~

~~1 termination of the effectiveness of the redevelopment plan  
2 pursuant to subdivision (b):~~

~~3 (d) (1) If plans that had different dates of adoption were  
4 merged on or before December 31, 1993, the time limitations  
5 required by this section shall be counted individually for each  
6 merged plan from the date of the adoption of each plan. If an  
7 amendment to a redevelopment plan added territory to the project  
8 area on or before December 31, 1993, the time limitations  
9 required by this section shall commence, with respect to the  
10 redevelopment plan, from the date of the adoption of the  
11 redevelopment plan, and, with respect to the added territory,  
12 from the date of the adoption of the amendment.~~

~~13 (2) If plans that had different dates of adoption are merged on  
14 or after January 1, 1994, the time limitations required by this  
15 section shall be counted individually for each merged plan from  
16 the date of the adoption of each plan.~~

~~17 (e) (1) Unless a redevelopment plan adopted prior to January  
18 1, 1994, contains all of the limitations required by this section  
19 and each of these limitations does not exceed the applicable time  
20 limits established by this section, the legislative body, acting by  
21 ordinance on or before December 31, 1994, shall amend every  
22 redevelopment plan adopted prior to January 1, 1994, either to  
23 amend an existing time limit that exceeds the applicable time  
24 limit established by this section or to establish time limits that do  
25 not exceed the provisions of subdivision (a), (b), or (c):~~

~~26 (2) The limitations established in the ordinance adopted  
27 pursuant to this section shall apply to the redevelopment plan as  
28 if the redevelopment plan had been amended to include those  
29 limitations. However, in adopting the ordinance required by this  
30 section, neither the legislative body nor the agency is required to  
31 comply with Article 12 (commencing with Section 33450) or any  
32 other provision of this part relating to the amendment of  
33 redevelopment plans.~~

~~34 (f) (1) If a redevelopment plan adopted prior to January 1,  
35 1994, contains one or more limitations required by this section,  
36 and the limitation does not exceed the applicable time limit  
37 required by this section, this section shall not be construed to  
38 require an amendment of this limitation.~~

~~39 (2) (A) A redevelopment plan adopted prior to January 1,  
40 1994, that has a limitation shorter than the terms provided in this~~

1 section may be amended by a legislative body by adoption of an  
2 ordinance on or after January 1, 1999, but on or before December  
3 31, 1999, to extend the limitation, provided that the plan as so  
4 amended does not exceed the terms provided in this section. In  
5 adopting an ordinance pursuant to this subparagraph, neither the  
6 legislative body nor the agency is required to comply with  
7 Section 33354.6, Article 12 (commencing with Section 33450),  
8 or any other provision of this part relating to the amendment of  
9 redevelopment plans.

10 (B) On or after January 1, 2002, a redevelopment plan may be  
11 amended by a legislative body by adoption of an ordinance to  
12 eliminate the time limit on the establishment of loans, advances,  
13 and indebtedness required by this section prior to January 1,  
14 2002. In adopting an ordinance pursuant to this subparagraph,  
15 neither the legislative body nor the agency is required to comply  
16 with Section 33354.6, Article 12 (commencing with Section  
17 33450), or any other provision of this part relating to the  
18 amendment of redevelopment plans, except that the agency shall  
19 make the payment to affected taxing entities required by Section  
20 33607.7.

21 (C) When an agency is required to make a payment pursuant  
22 to Section 33681.9, the legislative body may amend the  
23 redevelopment plan to extend the time limits required pursuant to  
24 subdivisions (a) and (b) by one year by adoption of an ordinance.  
25 In adopting an ordinance pursuant to this subparagraph, neither  
26 the legislative body nor the agency is required to comply with  
27 Section 33354.6 or Article 12 (commencing with Section 33450)  
28 or any other provision of this part relating to the amendment of  
29 redevelopment plans, including, but not limited to, the  
30 requirement to make the payment to affected taxing entities  
31 required by Section 33607.7.

32 (D) When an agency is required pursuant to Section 33681.12  
33 to make a payment to the county auditor for deposit in the  
34 county's Educational Revenue Augmentation Fund created  
35 pursuant to Article 3 (commencing with Section 97) of Chapter 6  
36 of Part 0.5 of Division 1 of the Revenue and Taxation Code, the  
37 legislative body may amend the redevelopment plan to extend the  
38 time limits required pursuant to subdivisions (a) and (b) by the  
39 following:

1 (i) ~~One year for each year in which a payment is made, if the~~  
2 ~~time limit for the effectiveness of the redevelopment plan~~  
3 ~~established pursuant to subdivision (a) is 10 years or less from~~  
4 ~~the last day of the fiscal year in which a payment is made.~~

5 (ii) ~~One year for each year in which such a payment is made, if~~  
6 ~~both of the following apply:~~

7 (I) ~~The time limit for the effectiveness of the redevelopment~~  
8 ~~plan established pursuant to subdivision (a) is more than 10 years~~  
9 ~~but less than 20 years from the last day of the fiscal year in which~~  
10 ~~a payment is made.~~

11 (II) ~~The legislative body determines in the ordinance adopting~~  
12 ~~the amendment that, with respect to the project, the following:~~

13 (Ha) ~~The agency is in compliance with the requirements of~~  
14 ~~Section 33334.2 or 33334.6, as applicable.~~

15 (Hb) ~~The agency has adopted an implementation plan in~~  
16 ~~accordance with the requirements of Section 33490.~~

17 (He) ~~The agency is in compliance with subdivisions (a) and (b)~~  
18 ~~of Section 33413, to the extent applicable.~~

19 (Hd) ~~The agency is not subject to sanctions pursuant to~~  
20 ~~subdivision (c) of Section 33334.12 for failure to expend,~~  
21 ~~encumber, or disburse an excess surplus.~~

22 (iii) ~~This subparagraph shall not apply to any redevelopment~~  
23 ~~plan if the time limit for the effectiveness of the redevelopment~~  
24 ~~plan established pursuant to subdivision (a) is more than 20 years~~  
25 ~~after the last day of the fiscal year in which such a payment is~~  
26 ~~made.~~

27 (3) (A) ~~The legislative body by ordinance may adopt the~~  
28 ~~amendments provided for under this paragraph following a~~  
29 ~~public hearing. Notice of the public hearing shall be mailed to the~~  
30 ~~governing body of each affected taxing entity at least 30 days~~  
31 ~~prior to the public hearing and published in a newspaper of~~  
32 ~~general circulation in the community at least once, not less than~~  
33 ~~10 days prior to the date of the public hearing. The ordinance~~  
34 ~~shall contain a finding of the legislative body that funds used to~~  
35 ~~make a payment to the county's Educational Revenue~~  
36 ~~Augmentation Fund pursuant to Section 33681.12 would~~  
37 ~~otherwise have been used to pay the costs of projects and~~  
38 ~~activities necessary to carry out the goals and objectives of the~~  
39 ~~redevelopment plan. In adopting an ordinance pursuant to this~~  
40 ~~paragraph, neither the legislative body nor the agency is required~~

1 to comply with Section 33354.6, Article 12 (commencing with  
2 Section 33450), or any other provision of this part relating to the  
3 amendment of redevelopment plans:

4 (B) The time limit on the establishment of loans, advances,  
5 and indebtedness shall be deemed suspended and of no force or  
6 effect but only for the purpose of issuing bonds or other  
7 indebtedness the proceeds of which are used to make the  
8 payments required by Section 33681.12 if the following apply:

9 (i) The time limit on the establishment of loans, advances, and  
10 indebtedness required by this section prior to January 1, 2002,  
11 has expired and has not been eliminated pursuant to  
12 subparagraph (B):

13 (ii) The agency is required to make a payment pursuant to  
14 Section 33681.12:

15 (iii) The agency determines that in order to make the payment  
16 required by Section 33681.12, it is necessary to issue bonds or  
17 incur other indebtedness:

18 (iv) The proceeds of the bonds issued or indebtedness incurred  
19 are used solely for the purpose of making the payments required  
20 by Section 33681.12 and related costs:

21 The suspension of the time limit on the establishment of loans,  
22 advances, and indebtedness pursuant to this subparagraph shall  
23 not require the agency to make the payment to affected taxing  
24 entities required by Section 33607.7:

25 (4) (A) A time limit on the establishing of loans, advances,  
26 and indebtedness to be paid with the proceeds of property taxes  
27 received pursuant to Section 33670 to finance in whole or in part  
28 the redevelopment project shall not prevent an agency from  
29 incurring debt to be paid from the agency's Low and Moderate  
30 Income Housing Fund or establishing more debt in order to fulfill  
31 the agency's affordable housing obligations, as defined in  
32 paragraph (1) of subdivision (a) of Section 33333.8:

33 (B) A redevelopment plan may be amended by a legislative  
34 body to provide that there shall be no time limit on the  
35 establishment of loans, advances, and indebtedness paid from the  
36 agency's Low and Moderate Income Housing Fund or  
37 establishing more debt in order to fulfill the agency's affordable  
38 housing obligations, as defined in paragraph (1) of subdivision  
39 (a) of Section 33333.8. In adopting such an ordinance, neither the  
40 legislative body nor the agency is required to comply with

1 Section 33345.6, Article 12 (commencing with Section 33450),  
2 or any other provision of this part relating to the amendment of  
3 redevelopment plans, and the agency shall not make the payment  
4 to affected taxing entities required by Section 33607.7.

5 (g) The limitations established in the ordinance adopted  
6 pursuant to this section shall not be applied to limit the allocation  
7 of taxes to an agency to the extent required to comply with  
8 Section 33333.8. In the event of a conflict between these  
9 limitations and the obligations under Section 33333.8, the  
10 limitations established in the ordinance shall be suspended  
11 pursuant to Section 33333.8.

12 (h) (1) This section does not effect the validity of any bond,  
13 indebtedness, or other obligation, including any mitigation  
14 agreement entered into pursuant to Section 33401, authorized by  
15 the legislative body, or the agency pursuant to this part, prior to  
16 January 1, 1994.

17 (2) This section does not affect the right of an agency to  
18 receive property taxes, pursuant to Section 33670, to pay the  
19 bond, indebtedness, or other obligation.

20 (3) This section does not affect the right of an agency to  
21 receive property taxes pursuant to Section 33670 to pay  
22 refunding bonds issued to refinance, refund, or restructure  
23 indebtedness authorized prior to January 1, 1994, if the last  
24 maturity date of these refunding bonds is not later than the last  
25 maturity date of the refunded indebtedness and the sum of the  
26 total net interest cost to maturity on the refunding bonds plus the  
27 principal amount of the refunding bonds is less than the sum of  
28 the total net interest cost to maturity on the refunded  
29 indebtedness plus the principal amount of the refunded  
30 indebtedness.

31 (i) A redevelopment agency shall not pay indebtedness or  
32 receive property taxes pursuant to Section 33670, with respect to  
33 a redevelopment plan adopted prior to January 1, 1994, after the  
34 date identified in subdivision (b) or the date identified in the  
35 redevelopment plan, whichever is earlier, except as provided in  
36 paragraph (2) of subdivision (e), in subdivision (g), or in Section  
37 33333.8.

38 (i) The Legislature finds and declares that the amendments  
39 made to this section by the act that adds this subdivision are  
40 intended to add limitations to the law on and after January 1,

1 1994, and are not intended to change or express legislative intent  
2 with respect to the law prior to that date. It is not the intent of the  
3 Legislature to affect the merits of any litigation regarding the  
4 ability of a redevelopment agency to sell bonds for a term that  
5 exceeds the limit of a redevelopment plan pursuant to law that  
6 existed prior to January 1, 1994.

7 ~~(k) If a redevelopment plan is amended to add territory, the~~  
8 ~~amendment shall contain the time limits required by Section~~  
9 ~~33333.2.~~

10 ~~SEC. 5.~~

11 *SEC. 3.* Section 33352 of the Health and Safety Code is  
12 amended to read:

13 33352. Every redevelopment plan submitted by the agency to  
14 the legislative body shall be accompanied by a report containing  
15 all of the following:

16 (a) The reasons for the selection of the project area, a  
17 description of the specific projects then proposed by the agency,  
18 a description of how these projects will improve or alleviate the  
19 conditions described in subdivision (b).

20 (b) A description of the physical and economic conditions  
21 specified in Section 33031 that exist in the area that cause the  
22 project area to be blighted. The description shall include a list of  
23 the physical and economic conditions described in Section 33031  
24 that exist within the project area and a map showing where in the  
25 project the conditions exist. The description shall contain  
26 specific, quantifiable evidence that documents each of the  
27 following:

28 (1) The physical and economic conditions specified in Section  
29 33031.

30 ~~(2) That each of the described physical and economic~~  
31 ~~conditions is so prevalent and substantial that collectively they~~  
32 ~~seriously harm the entire project area.~~

33 *(2) That the described physical and economic conditions are*  
34 *so prevalent and substantial that, collectively, they seriously*  
35 *harm the entire project area.*

36 (3) That each of the described physical and economic  
37 conditions is significantly worse than the physical and economic  
38 conditions that exist in the rest of the community, outside the  
39 project area.

1     ~~(4) That collectively, the physical and economic conditions~~  
2     ~~constitute dire inner-city slum conditions or equivalently~~  
3     ~~degraded inner-city business conditions.~~

4     (c) An implementation plan that describes specific goals and  
5     objectives of the agency, specific projects then proposed by the  
6     agency, including a program of actions and expenditures  
7     proposed to be made within the first five years of the plan, and a  
8     description of how these projects will improve or alleviate the  
9     conditions described in Section 33031.

10    (d) An explanation of why the elimination of blight and the  
11    redevelopment of the project area cannot reasonably be expected  
12    to be accomplished by private enterprise acting alone or by the  
13    legislative body's use of financing alternatives other than tax  
14    increment financing.

15    (e) The proposed method of financing the redevelopment of  
16    the project area in sufficient detail so that the legislative body  
17    may determine the economic feasibility of the plan.

18    (f) A method or plan for the relocation of families and persons  
19    to be temporarily or permanently displaced from housing  
20    facilities in the project area, which method or plan shall include  
21    the provision required by Section 33411.1 that no persons or  
22    families of low and moderate income shall be displaced unless  
23    and until there is a suitable housing unit available and ready for  
24    occupancy by the displaced person or family at rents comparable  
25    to those at the time of their displacement.

26    (g) An analysis of the preliminary plan.

27    (h) The report and recommendations of the planning  
28    commission.

29    (i) The summary referred to in Section 33387.

30    (j) The report required by Section 65402 of the Government  
31    Code.

32    (k) The report required by Section 21151 of the Public  
33    Resources Code.

34    (l) The report of the county fiscal officer as required by  
35    Section 33328.

36    (m) If the project area contains low- or moderate-income  
37    housing, a neighborhood impact report which describes in detail  
38    the impact of the project upon the residents of the project area  
39    and the surrounding areas, in terms of relocation, traffic  
40    circulation, environmental quality, availability of community

1 facilities and services, effect on school population and quality of  
2 education, property assessments and taxes, and other matters  
3 affecting the physical and social quality of the neighborhood.  
4 The neighborhood impact report shall also include all of the  
5 following:

6 (1) The number of dwelling units housing persons and families  
7 of low or moderate income expected to be destroyed or removed  
8 from the low- and moderate-income housing market as part of a  
9 redevelopment project.

10 (2) The number of persons and families of low or moderate  
11 income expected to be displaced by the project.

12 (3) The general location of housing to be rehabilitated,  
13 developed, or constructed pursuant to Section 33413.

14 (4) The number of dwelling units housing persons and families  
15 of low or moderate income planned for construction or  
16 rehabilitation, other than replacement housing.

17 (5) The projected means of financing the proposed dwelling  
18 units for housing persons and families of low and moderate  
19 income planned for construction or rehabilitation.

20 (6) A projected timetable for meeting the plan's relocation,  
21 rehabilitation, and replacement housing objectives.

22 (n) (1) An analysis by the agency of the report submitted by  
23 the county as required by Section 33328, which shall include a  
24 summary of the consultation of the agency, or attempts to consult  
25 by the agency, with each of the affected taxing entities as  
26 required by Section 33328. If any of the affected taxing entities  
27 have expressed written objections or concerns with the proposed  
28 project area as part of these consultations, the agency shall  
29 include a response to these concerns, additional information, if  
30 any, and, at the discretion of the agency, proposed or adopted  
31 mitigation measures.

32 (2) As used in this subdivision:

33 (A) "Mitigation measures" may include the amendment of the  
34 redevelopment plan with respect to the size or location of the  
35 project area, time duration, total amount of tax increment to be  
36 received by the agency, or the proposed use, size, density, or  
37 location of development to be assisted by the agency.

38 (B) "Mitigation measures" shall not include obligations to  
39 make payments to any affected taxing entity.

1     ~~SEC. 6.~~

2     ~~SEC. 4.~~ Section 33367 of the Health and Safety Code is  
3 amended to read:

4     33367. The ordinance shall contain all of the following:

5     (a) The purposes and intent of the legislative body with respect  
6 to the project area.

7     (b) The plan incorporated by reference.

8     (c) A designation of the approved plan as the official  
9 redevelopment plan of the project area.

10    ~~(d) The findings and determinations of the legislative body~~  
11 ~~which shall be based on clear and convincing evidence that:~~

12    ~~(d) The findings and determinations of the legislative body,~~  
13 ~~which shall be based on clearly articulated and documented~~  
14 ~~evidence, that:~~

15     (1) The project area is a blighted area, the redevelopment of  
16 which is necessary to effectuate the public purposes declared in  
17 this part.

18     (2) The redevelopment plan would redevelop the area in  
19 conformity with this part and in the interests of the public peace,  
20 health, safety, and welfare.

21     (3) The adoption and carrying out of the redevelopment plan is  
22 economically sound and feasible.

23     (4) The redevelopment plan is consistent with the general plan  
24 of the community, including, but not limited to, the community's  
25 housing element, which substantially complies with the  
26 requirements of Article 10.6 (commencing with Section 65580)  
27 of Chapter 3 of Division 1 of Title 7 of the Government Code.

28     (5) The carrying out of the redevelopment plan would promote  
29 the public peace, health, safety, and welfare of the community  
30 and would effectuate the purposes and policy of this part.

31     (6) The condemnation of real property, if provided for in the  
32 redevelopment plan, is necessary to the execution of the  
33 redevelopment plan and adequate provisions have been made for  
34 payment for property to be acquired as provided by law.

35     (7) The agency has a feasible method or plan for the relocation  
36 of families and persons displaced from the project area, if the  
37 redevelopment plan may result in the temporary or permanent  
38 displacement of any occupants of housing facilities in the project  
39 area.

1 (8) (A) There are, or shall be provided, in the project area or  
2 in other areas not generally less desirable in regard to public  
3 utilities and public and commercial facilities and at rents or  
4 prices within the financial means of the families and persons  
5 displaced from the project area, decent, safe, and sanitary  
6 dwellings equal in number to the number of and available to the  
7 displaced families and persons and reasonably accessible to their  
8 places of employment.

9 (B) Families and persons shall not be displaced prior to the  
10 adoption of a relocation plan pursuant to Sections 33411 and  
11 33411.1. Dwelling units housing persons and families of low or  
12 moderate income shall not be removed or destroyed prior to the  
13 adoption of a replacement housing plan pursuant to Sections  
14 33334.5, 33413, and 33413.5.

15 (9) All noncontiguous areas of a project area are either  
16 blighted or necessary for effective redevelopment and are not  
17 included for the purpose of obtaining the allocation of taxes from  
18 the area pursuant to Section 33670 without other substantial  
19 justification for their inclusion.

20 (10) Inclusion of any lands, buildings, or improvements which  
21 are not detrimental to the public health, safety, or welfare is  
22 necessary for the effective redevelopment of the area of which  
23 they are a part; that any area included is necessary for effective  
24 redevelopment and is not included for the purpose of obtaining  
25 the allocation of tax increment revenues from the area pursuant  
26 to Section 33670 without other substantial justification for its  
27 inclusion.

28 (11) The elimination of blight and the redevelopment of the  
29 project area could not be reasonably expected to be accomplished  
30 by private enterprise acting alone without the aid and assistance  
31 of the agency.

32 (12) The project area is predominantly urbanized, as defined  
33 by subdivision (b) of Section 33320.1.

34 (13) The time limitation and, if applicable, the limitation on  
35 the number of dollars to be allocated to the agency that are  
36 contained in the plan are reasonably related to the proposed  
37 projects to be implemented in the project area and to the ability  
38 of the agency to eliminate blight within the project area.

39 (14) The implementation of the redevelopment plan will  
40 improve or alleviate the physical and economic conditions of

1 blight in the project area, as described in the report prepared  
2 pursuant to Section 33352.

3 (e) A statement that the legislative body is satisfied that  
4 permanent housing facilities will be available within three years  
5 from the time occupants of the project area are displaced and  
6 that, pending the development of the facilities, there will be  
7 available to the displaced occupants adequate temporary housing  
8 facilities at rents comparable to those in the community at the  
9 time of their displacement.

10 ~~SEC. 7.~~

11 *SEC. 5.* Section 33378 of the Health and Safety Code is  
12 amended to read:

13 33378. (a) With respect to any ordinance that is subject to  
14 referendum pursuant to Sections 33365 and 33450, the language  
15 of the statement of the ballot measure shall set forth with clarity  
16 and in language understandable to the average person that a  
17 “Yes” vote is a vote in favor of adoption or amendment of the  
18 redevelopment plan and a “No” vote is a vote against the  
19 adoption or amendment of the redevelopment plan.

20 (b) (1) Notwithstanding any other provision of law, including  
21 the charter of any city or city and county, referendum petitions  
22 circulated in cities or counties over 500,000 in population shall  
23 bear valid signatures numbering not less than 10 percent of the  
24 total votes cast within the city or county for Governor at the last  
25 gubernatorial election.

26 (2) Notwithstanding any other provision of law, including the  
27 charter of any city or city and county, or Section 9242 of the  
28 Elections Code, the referendum petitions of all cities and  
29 counties shall be submitted to the clerk of the legislative body  
30 within 90 days of the adoption of an ordinance subject to  
31 referendum under this act.

32 (c) With respect to any ordinance that is subject to referendum  
33 pursuant to Sections 33365 and 33450 and either provides for  
34 tax-increment financing pursuant to Section 33670 or expands a  
35 project area that is subject to tax-increment financing, the  
36 referendum measure shall include, in the ballot pamphlet, an  
37 analysis by the county auditor-controller and, at the option of the  
38 legislative body, a separate analysis by the agency, of the  
39 redevelopment plan or amendment that will include both of the  
40 following:

1 (1) An estimate of the potential impact on property taxes per  
2 each ten thousand dollars (\$10,000) of assessed valuation for  
3 taxpayers located in the city or county, as the case may be,  
4 outside the redevelopment project area during the life of the  
5 redevelopment project.

6 (2) An estimate of what would happen to the project area in  
7 the absence of the redevelopment project or in the absence of the  
8 proposed amendment to the plan.

9 ~~SEC. 8.~~

10 *SEC. 6.* Section 33445 of the Health and Safety Code is  
11 amended to read:

12 33445. (a) Notwithstanding Section 33440, an agency may,  
13 with the consent of the legislative body, pay all or a part of the  
14 value of the land for and the cost of the installation and  
15 construction of any building, facility, structure, or other  
16 improvement that is publicly owned either within or without the  
17 project area, if the legislative body determines all of the  
18 following:

19 (1) That the buildings, facilities, structures, or other  
20 improvements are of benefit to the project area or the immediate  
21 neighborhood in which the project is located, regardless of  
22 whether the improvement is within another project area, or in the  
23 case of a project area in which substantially all of the land is  
24 publicly owned that the improvement is of benefit to an adjacent  
25 project area of the agency.

26 (2) That no other reasonable means of financing the buildings,  
27 facilities, structures, or other improvements, are available to the  
28 community.

29 (3) That the payment of funds for the acquisition of land or the  
30 cost of buildings, facilities, structures, or other improvements  
31 will assist in the elimination of one or more blighting conditions  
32 inside the project area or provide housing for low- or  
33 moderate-income persons, and is consistent with the  
34 implementation plan adopted pursuant to Section 33490.

35 (b) The determinations by the agency and the local legislative  
36 body pursuant to subdivision (a) shall be final and conclusive.  
37 For redevelopment plans, and amendments to those plans which  
38 add territory to a project, adopted after October 1, 1976,  
39 acquisition of property and installation or construction of each  
40 facility shall be provided for in the redevelopment plan. A

1 redevelopment agency shall not pay for the normal maintenance  
2 or operations of buildings, facilities, structures, or other  
3 improvements that are publicly owned. Normal maintenance or  
4 operations do not include the construction, expansion, addition  
5 to, or reconstruction of, buildings, facilities, structures, or other  
6 improvements that are publicly owned otherwise undertaken  
7 pursuant to this section.

8 (c) When the value of the land or the cost of the installation  
9 and construction of the building, facility, structure, or other  
10 improvement, or both, has been, or will be, paid or provided for  
11 initially by the community or other public corporation, the  
12 agency may enter into a contract with the community or other  
13 public corporation under which it agrees to reimburse the  
14 community or other public corporation for all or part of the value  
15 of the land or all or part of the cost of the building, facility,  
16 structure, or other improvement, or both, by periodic payments  
17 over a period of years.

18 (d) The obligation of the agency under the contract shall  
19 constitute an indebtedness of the agency for the purpose of  
20 carrying out the redevelopment project for the project area,  
21 which indebtedness may be made payable out of taxes levied in  
22 the project area and allocated to the agency under subdivision (b)  
23 of Section 33670 or out of any other available funds.

24 (e) In a case where the land has been or will be acquired by, or  
25 the cost of the installation and construction of the building,  
26 facility, structure, or other improvement has been paid by, a  
27 parking authority, joint powers entity, or other public corporation  
28 to provide a building, facility, structure, or other improvement  
29 that has been or will be leased to the community, the contract  
30 may be made with, and the reimbursement may be made payable  
31 to, the community.

32 (f) With respect to the financing, acquisition, or construction  
33 of a transportation, collection, and distribution system and related  
34 peripheral parking facilities, in a county with a population of  
35 4,000,000 persons or more, the agency shall, in order to exercise  
36 the powers granted by this section, enter into an agreement with  
37 the rapid transit district that includes the county, or a portion  
38 thereof, in which agreement the rapid transit district shall be  
39 given all of the following responsibilities:

1 (1) To participate with the other parties to the agreement to  
2 design, determine the location and extent of the necessary  
3 rights-of-way for, and construct, the transportation, collection,  
4 and distribution systems and related peripheral parking structures  
5 and facilities.

6 (2) To operate and maintain the transportation, collection, and  
7 distribution systems and related peripheral parking structures and  
8 facilities in accordance with the rapid transit district's  
9 outstanding agreements and the agreement required by this  
10 paragraph.

11 (g) (1) Notwithstanding any other authority granted in this  
12 section, an agency shall not pay for, either directly or indirectly,  
13 with tax increment funds the construction, including land  
14 acquisition, related site clearance, and design costs, or  
15 rehabilitation of a building that is, or that will be used as, a city  
16 hall or county administration building.

17 (2) This subdivision shall not preclude an agency from making  
18 payments to construct, rehabilitate, or replace a city hall if an  
19 agency does any of the following:

20 (A) Allocates tax increment funds for this purpose during the  
21 1988–89 fiscal year and each fiscal year thereafter in order to  
22 comply with federal and state seismic safety and accessibility  
23 standards.

24 (B) Uses tax increment funds for the purpose of rehabilitating  
25 or replacing a city hall that was seriously damaged during an  
26 earthquake that was declared by the President of the United  
27 States to be a natural disaster.

28 (C) Uses the proceeds of bonds, notes, certificates of  
29 participation, or other indebtedness that was issued prior to  
30 January 1, 1994, for the purpose of constructing or rehabilitating  
31 a city hall, as evidenced by documents approved at the time of  
32 the issuance of the indebtedness.

33 ~~SEC. 9.~~

34 *SEC. 7.* Section 33485 of the Health and Safety Code is  
35 amended to read:

36 33485. The Legislature finds and declares that the provisions  
37 of this part, which require that taxes allocated pursuant to Section  
38 16 of Article XVI of the California Constitution and Section  
39 33670 be applied to the project area in which those taxes are  
40 generated, are designed to assure (1) that project areas are

1 terminated when the redevelopment of those areas has been  
2 completed and (2) that the increased revenues that result from  
3 redevelopment accrue to the benefit of affected taxing  
4 jurisdictions at the completion of redevelopment activities in a  
5 project area. Mergers of project areas are desirable as a matter of  
6 public policy if they result in substantial benefit to the public and  
7 if they contribute to the revitalization of blighted areas through  
8 the increased economic vitality of those areas and through  
9 increased and improved housing opportunities in or near such  
10 areas. The Legislature further finds and declares that it is  
11 necessary to enact a statute that sets out uniform statewide  
12 standards for merger of project areas to assure that those mergers  
13 serve a vital public purpose.

14 ~~SEC. 10.~~

15 *SEC. 8.* Section 33486 of the Health and Safety Code is  
16 amended to read:

17 33486. (a) For the purpose of allocating taxes pursuant to  
18 Section 33670 and subject to the provisions of this article,  
19 redevelopment project areas under the jurisdiction of a  
20 redevelopment agency for which redevelopment plans have been  
21 adopted pursuant to Article 5 (commencing with Section 33360),  
22 may be merged, without regard to contiguity of the areas, by the  
23 amendment of each affected redevelopment plan as provided in  
24 Article 12 (commencing with Section 33450). Before adopting  
25 the ordinance amending each affected redevelopment plan, the  
26 legislative body shall find, based on substantial evidence, that  
27 both of the following conditions exist:

28 (1) Significant blight remains within one of the project areas.

29 (2) This blight cannot be eliminated without merging the  
30 project areas and the receipt of property taxes.

31 (b) (1) Except as provided in paragraph (2), taxes attributable  
32 to each project area merged pursuant to this section that are  
33 allocated to the redevelopment agency pursuant to Section 33670  
34 may be allocated to the entire merged project area for the purpose  
35 of paying the principal of, and interest on, indebtedness incurred  
36 by the redevelopment agency to finance or refinance, in whole or  
37 in part, the merged redevelopment project.

38 (2) If the redevelopment agency has, prior to merger of  
39 redevelopment project areas, incurred any indebtedness on  
40 account of a constituent project area so merged, taxes attributable

1 to that area that are allocated to the agency pursuant to Section  
2 33670 shall be first used to comply with the terms of any bond  
3 resolution or other agreement pledging the taxes from the  
4 constituent project area.

5 (c) After the merger of redevelopment projects pursuant to  
6 subdivision (a), the clerk of the legislative body shall transmit a  
7 copy of the ordinance amending the plans for projects to be  
8 merged to the governing body of each of the taxing agencies that  
9 receives property taxes from or levies property taxes upon any  
10 property in the project.

11 ~~SEC. 11.~~

12 *SEC. 9.* Section 33500 of the Health and Safety Code is  
13 amended to read:

14 33500. (a) Notwithstanding any other provision of law,  
15 including Section 33501, an action may be brought to review the  
16 validity of the adoption or amendment of a redevelopment plan at  
17 any time within 90 days after the date of the adoption of the  
18 ordinance adopting or amending the plan.

19 (b) Notwithstanding any other provision of law, including  
20 Section 33501, an action may be brought to review the validity of  
21 any findings or determinations by the agency or the legislative  
22 body at any time within 90 days after the date on which the  
23 agency or the legislative body made those findings or  
24 determinations.

25 ~~SEC. 12.~~

26 *SEC. 10.* Section 33501 of the Health and Safety Code is  
27 amended to read:

28 33501. (a) An action may be brought pursuant to Chapter 9  
29 (commencing with Section 860) of Title 10 of Part 2 of the Code  
30 of Civil Procedure to determine the validity of bonds and the  
31 redevelopment plan to be financed or refinanced, in whole or in  
32 part, by the bonds, or to determine the validity of a  
33 redevelopment plan not financed by bonds, including without  
34 limiting the generality of the foregoing, the legality and validity  
35 of all proceedings theretofore taken for or in any way connected  
36 with the establishment of the agency, its authority to transact  
37 business and exercise its powers, the designation of the survey  
38 area, the selection of the project area, the formulation of the  
39 preliminary plan, the validity of the finding and determination  
40 that the project area is predominantly urbanized, and the validity

1 of the adoption of the redevelopment plan, and also including the  
2 legality and validity of all proceedings theretofore taken and (as  
3 provided in the bond resolution) proposed to be taken for the  
4 authorization, issuance, sale, and delivery of the bonds, and for  
5 the payment of the principal thereof and interest thereon.

6 (b) Notwithstanding subdivision (a), an action to determine the  
7 validity of a redevelopment plan, *or amendment to a*  
8 *redemption plan*, may be brought within 90 days after the date  
9 of the adoption of the ordinance adopting or amending the plan.

10 (c) For the purposes of protecting the interests of the state, the  
11 Attorney General and the Department of Finance are interested  
12 persons pursuant to Section 863 of the Code of Civil Procedure  
13 in any action brought with respect to the validity of an ordinance  
14 adopting or amending a redevelopment plan pursuant to this  
15 section.

16 (d) For purposes of contesting the inclusion in a project area of  
17 lands that are enforceably restricted, as that term is defined in  
18 Sections 422 and 422.5 of the Revenue and Taxation Code, or  
19 lands that are in agricultural use, as defined in subdivision (b) of  
20 Section 51201 of the Government Code, the Department of  
21 Conservation, the county agricultural commissioner, the county  
22 farm bureau, the California Farm Bureau Federation, and  
23 agricultural entities and general farm organizations that provide a  
24 written request for notice, are interested persons pursuant to  
25 Section 863 of the Code of Civil Procedure, in any action  
26 brought with respect to the validity of an ordinance adopting or  
27 amending a redevelopment plan pursuant to this section.

28 ~~SEC. 13.~~

29 *SEC. 11.* Section 33501.1 is added to the Health and Safety  
30 Code, to read:

31 33501.1. Notwithstanding Chapter 9 (commencing with  
32 Section 860) of Title 10 of the Code of Civil Procedure, the  
33 Attorney General may, pursuant to subdivision (b) of Section 387  
34 of the Code of Civil Procedure, intervene as of right in an action  
35 specified in Section 33501 challenging the validity of any finding  
36 and determination that a project area is blighted. The Attorney  
37 General may seek permissive intervention pursuant to  
38 subdivision (a) of Section 387 of the Code of Civil Procedure in  
39 any other action brought pursuant to Section 33501.

~~SEC. 14.~~

*SEC. 12.* Section 33501.2 is added to the Health and Safety Code, to read:

33501.2. (a) An action shall not be brought pursuant to Section 33501 unless the alleged grounds for noncompliance with this division were presented to the agency or the legislative body orally or in writing by any person before the close of the public hearing required by this division.

(b) A person shall not bring an action pursuant to Section 33501 unless a person objected to the decision of the agency or the legislative body before the close of the public hearing required by this division.

(c) This section does not preclude any organization formed after the approval of a project from bringing an action pursuant to Section 33501 if a member of that organization has complied with subdivision (b).

(d) This section does not apply to the Attorney General.

(e) This section does not apply to any alleged grounds for noncompliance with this division for which there was no public hearing or other opportunity for members of the public to raise those objections orally or in writing before the decision by the agency or the legislative body, or if the agency or the legislative body failed to give the notice required by law.

~~SEC. 15.~~

*SEC. 13.* Section 33501.3 is added to the Health and Safety Code, to read:

33501.3. If an action specified in Section 33501 challenging the validity of any finding and determination that the project area is blighted is filed in any court, each party filing any pleading or brief with the court in that proceeding shall serve, within three days of the filing with the court, a copy of that pleading or brief on the Attorney General. Relief, temporary or permanent, shall not be granted to a party unless that party files proof with the court showing that it has complied with this section. A court may, by court order, allow a party to serve the Attorney General after the three-day period, but only upon showing of good cause for not complying with the three-day notice requirement, and that late service will not prejudice the Attorney General's ability to review, and possibly participate in, the action.

1     ~~SEC. 16.~~

2     ~~SEC. 14.~~ Section 33501.7 is added to the Health and Safety  
3 Code, to read:

4     33501.7. Notwithstanding any other provision of law, an  
5 agency or legislative body shall not permit or require a property  
6 owner or a real party in interest to indemnify the agency or the  
7 legislative body against actions brought pursuant to Section  
8 33501 to challenge the adoption or amendment of a  
9 redevelopment plan, as a condition of adopting or amending a  
10 redevelopment plan.

11    ~~SEC. 17.~~

12    ~~SEC. 15.~~ It is the intent of the Legislature by amending  
13 Section 33501 of the Health and Safety Code in Section ~~12 10~~ of  
14 this act to determine that the Attorney General and the  
15 Department of Finance are interested persons pursuant to Section  
16 863 of the Code of Civil Procedure in actions specified in  
17 subdivision (c) of Section 33501 of the Health and Safety Code.  
18 It is not the intent of the Legislature to preclude a court from  
19 exercising its discretion to find that the Attorney General or the  
20 Department of Finance are interested persons in other actions  
21 brought pursuant to Section 33501 of the Health and Safety  
22 Code. It is the intent of the Legislature that no court should  
23 consider, in any manner, the fact that the Legislature did not  
24 determine that the Attorney General and the Department of  
25 Finance are interested persons in other actions brought pursuant  
26 to Section 33501 of the Health and Safety Code.

27    ~~SEC. 18.~~

28    ~~SEC. 16.~~ In enacting Section ~~13 11~~ of this act to add Section  
29 33501.1 to the Health and Safety Code, it is the intent of the  
30 Legislature to create for the Attorney General an exception to the  
31 ruling in *Green v. Community Redevelopment Agency* (1979) 96  
32 Cal.App.3d 491.